



MEMORANDUM


Agenda Item No. 11(B)1

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners

DATE: April 27, 2004

FROM: George M. Burgess
County Manager

SUBJECT: Building Code and Product Approval Status Report



The Board of County Commissioners directed the County Manager "...to present to the Florida Building Commission adequate provisions in the Florida Building Code, and to take all other appropriate actions, which will maintain the present level of life safety protection provided to the residents of Miami-Dade County." This guidance was provided by Resolution Number R-443-99 adopted April 21, 1999 and reaffirmed by Resolution R-235-00 adopted March 9, 2000. As a result, the Building Code Compliance Office (BCCO) created a draft containing the sections of the building code related to hurricane protection and life safety issues that were previously contained within the South Florida Building Code. The BCCO advocated before the Florida Building Commission that these provisions be adopted by the Florida Building Commission and included in the Florida Building Code. Ultimately, this draft designed to maintain Miami-Dade County's hurricane protection provisions was included in the Florida Building Code within sections entitled the "High Velocity Hurricane Zones" (HVHZ). The enhanced building requirements contained in these sections have been adopted and are applicable for use in both Miami-Dade and Broward counties.

Pursuant to Florida Statutes, Section 553.73 the 2000 Florida Legislature adopted the Florida Building Code as the uniform building code for the State of Florida. On March 1, 2002, the Florida Building Code 2001 was implemented and the South Florida Building Code ceased to exist as the governing building code for Miami-Dade County.

PRESENT DEVELOPMENTS IN BUILDING CODE ISSUES:

On October 14, 2003, the Florida Building Commission adopted the use of the International Building Code, with Florida specific requirements, as a template for future modifications to the Florida Building Code. In addition, the Florida Building Commission adopted the use of the International Residential Code, with Florida specific requirements, as a template for a new building code applicable to one and two family dwellings and townhouses no more than three stories in height.

Once again, the Building Code Compliance Office staff will be actively participating in the development of these new building codes. BCCO will advocate that the High Velocity Hurricane Zone provisions currently contained in the Florida Building Code be included in the International Building Code and the International Residential Code as Florida specific requirements.

PRESENT STATUS OF PRODUCT APPROVAL:

Section 553.842, Florida Statutes, requires that beginning October 1, 2003, building envelope products, methods or systems of construction be required to possess a local product approval, for a local jurisdiction only. Alternately, such building components could obtain an optional statewide product approval issued by the Florida Building Commission. As required by the Florida Statute, on October 1, 2003 the Florida Building Commission began processing statewide product applications.

In order to comply with Florida Building Commission rules, regarding product approval, the BCCO applied for and obtained approval by the Florida Building Commission to be authorized as an Evaluation, Validation, Accreditation, Certification and Quality Assurance Entity.

The state product approval process is initiated when a manufacturer makes application through the State of Florida automated "Building Code Information System". Initially, the manufacturer indicates the:

- Category of the product (window, door, roofing, etc.)
- Sub-category (single hung, sliding, fixed, etc.)
- Sections of the code or standards with which the product complies
- Documentation
- Evaluation Entity
- Quality Assurance entity
- Validation Entity or the Certification Entity as applicable

If the manufacturer selects a Validation Entity, the Validation Entity's contact person is sent an e-mail as notification that the manufacturer wishes them to validate the application. The Validation Entity is expected to review the application and verify that the product has been tested to the required standards and complies with the building code.

These automated applications are compiled into a report by the Department of Community Affairs; the report is submitted to a subcommittee (the Product Approval Program Oversight Committee) and finally submitted for a final approval to the Florida Building Commission. These reports are simply a listing of the applications and do not contain any of the technical information submitted and are not reviewed for completeness or content. There are hundreds of products presented at each meeting of the Florida Building Commission. Consequently, many products are obtaining approval with very little oversight.

Many manufacturers that have products approved by our BCCO Product Control Division have applied for the optional statewide product approval using a Miami-Dade County Notice of Acceptance (NOA). When a manufacturer applies to the state and chooses BCCO as the Validator, the Product Control Division staff reviews the application prior to validating it. Most of the applications are correct and complete with a clear indication of their conditions of use. However, in some applications BCCO staff has found that the manufacturer has submitted for a statewide approval using Miami-Dade County Notices of Acceptance that have not yet been approved. Some applications have been filed with Miami-Dade County Notices of Acceptance that have been revoked or modified. In some cases, Miami-Dade County Notices of Acceptance have been submitted with plans that have been electronically and fraudulently altered.

Many applications validated or certified by entities other than BCCO have been approved by the Florida Building Commission. Many of these applications have vague conditions of use and have been intended by the manufacturer to be used within the HVHZ. Due to the lack of review at the Florida Building Commission level and the inconsistencies that have been discovered in applications reviewed by BCCO, the Department has issued an "Advisory to Building Officials"; see attached memo. This advisory offers the Building Officials within Miami-Dade County the services of the BCCO staff to review non-Miami-Dade County state approvals. Upon request, BCCO staff will review any statewide approval submitted to a building department as part of a building permit application. This crucial measure is necessary in order to preserve the safety of the residents of Miami-Dade County by ensuring that substandard building systems and components are not allowed for use within building structures.

APPROVAL OF PRODUCTS OUTSIDE THE HVHZ:

Presently, BCCO processes product approval applications for systems and components that comply with the requirements of the Florida Building Code, **including** the HVHZ. At this time, product approval applications that do not comply with the HVHZ are not being processed by BCCO. Manufacturers have requested that BCCO process product approval application that would comply with the Florida Building Code for jurisdictions around the State, but are not compliant with the enhanced standards of the HVHZ requirements. Many times these systems or components are the same product approved for use within HVHZ, but with less reinforcement, thinner material, less anchors, or in some way installed differently. Such products would be acceptable for use outside Miami-Dade and Broward counties. With the recently implemented product approval requirements it is important to note that these products are also required to possess a product approval in order to be used anywhere in the State of Florida.

Hon. Chairperson Barbara Carey-Shuler, Ed.D
and Members, Board of County Commissioners
Page 4

Presently, manufacturers that possess Miami-Dade County Notices of Acceptance must contract with entities other than BCCO to have this same product evaluated for the lesser requirements which are applicable outside the High Velocity Hurricane Zone. It is clear that most manufacturers would prefer a single source entity for processing their product approvals. It is important that BCCO be responsive to the manufacturing industry by assisting in the elimination of the necessity for dual certification entities in order to ensure that their product may be used statewide. By maintaining the policy of BCCO reviewing only the product approval applications within the HVHZ, manufacturers could use the services of other entities that would process the two applications. This could hinder the efforts of BCCO in the product approval arena and would jeopardize the oversight effectiveness needed for public safety.

In order to maintain the current level of protection for our residents, BCCO is implementing procedures that will allow for the approval of products that are intended for use outside the High Velocity Hurricane Zone.

Attachment

A handwritten signature in black ink, appearing to be 'Pedro G. Hernandez', written over a horizontal line.

Pedro G. Hernandez, P.E.
Assistant County Manager



MEMORANDUM

TO: Pedro G. Hernandez, P.E.
Assistant County Manager

DATE: December 23, 2003

FROM: *for Herminio F. Gonzalez, P.E., Director*
Building Code Compliance Office

SUBJECT: Building Code and Product
Approval Status Report

Attached are an original, three copies and a diskette for the following:

- Building Code and Product Approval Status Report

This item is to be placed on the February 10, 2004 Public Safety Committee.

If you require additional information, please do not hesitate to contact me at (305) 375-2904.

HFG:jms

Attachments:

B: Memo..txt (ASCII)
Memo.doc (Word 97)
Attachment (Word 97)